

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING

October 5, 2016

MAG Office, Saguaro Room

Phoenix, Arizona

MEMBERS ATTENDING

Tom Remes for Ed Zuercher, Phoenix	* Darryl H. Crossman, Litchfield Park
Patrick Banger, Gilbert, Vice Chair	# Gregory Rose, City of Maricopa
# Matt Busby for Bryant Powell,	Christopher Brady, Mesa
Apache Junction	Dawn Marie Buckland for Kevin Burke,
Jessica Blazina for David Fitzhugh, Avondale	Paradise Valley
Roger Klingler, Buckeye	Kevin Tyne for Carl Swenson, Peoria
* Gary Neiss, Carefree	# Greg Stanley, Pinal County
* Peter Jankowski, Cave Creek	Tracy Corman for John Kross, Queen Creek
Marsha Reed, Chandler	* Bryan Meyers, Salt River Pima-Maricopa
Dr. Spencer Isom, El Mirage	Indian Community
# Brent Billingsley, Florence	Brad Lundahl for Brian Biesemeyer,
Alfonso Rodriguez for Phil Dorchester,	Scottsdale
Fort McDowell Yavapai Nation	Rick Buss for Bob Wingenroth, Surprise
# Grady Miller, Fountain Hills	Marge Zylla for Andrew Ching, Tempe
* Michael Celaya, Gila Bend	Reyes Medrano, Jr., Tolleson
* Pamela Thompson, Gila River Indian	Joshua Wright, Wickenburg
Community	Jeanne Blackman, Youngtown
Kevin Phelps, Glendale	Eric Gudino for John Halikowski, ADOT
Rob Bohr for Brian Dalke, Goodyear	Joy Rich, Maricopa County
# Rosemary Arellano, Guadalupe	Scott Smith, Valley Metro/RPTA

* Those members neither present nor represented by proxy.

Participated by telephone conference call. + Participated by videoconference call.

1. Call to Order

The meeting of the MAG Management Committee was called to order by Vice Chair Patrick Banger, Gilbert, at 12:04 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Ms. Rosemary Arellano, Mr. Brent Billingsley, Mr. Matt Busby, Mr. Grady Miller, Mr. Gregory Rose, and Mr. Greg Stanley joined the meeting via teleconference.

Vice Chair Banger noted that for agenda item #5C, on September 29, 2016, the Transportation Review Committee recommended approval of the Project Changes. Vice Chair Banger noted

materials at each place: (1) For agenda item #5F, the MAG Elderly and Persons with Disabilities Transportation Ad Hoc Committee project recommendation to select Gompers Habilitation Center was at each place. This item had been transmitted previously. (2) For agenda item #7, the letter from the Governor regarding the ozone boundary.

3. Call to the Audience

Vice Chair Banger recognized public comment from Mr. John Rusinek, who stated that he has a hearing impairment due to his service in the U.S. military. He said he could not hear the Chair's comment at last month's meeting. Mr. Rusinek said that the division also works with MAG, ADEQ, and ADOT to develop and implement plans, policies, guidelines and reports to complete analysis. He said that he thought he was being stopped from talking, but he will not give up his right to free speech just because someone does like what he says. Mr. Rusinek stated that he will continue to comment on dust, which is a MAG problem. Vice Chair Banger thanked Mr. Rusinek.

Vice Chair Banger recognized public comment from Ms. Dianne Barker, who stated that Mayor Stanton, the Regional Council Chair, is an attorney. She said that he stated at the beginning of the meeting that the Regional Council is not allowed to discuss or take action on items not listed on the agenda, but she told him the open meeting law says that members may respond to criticism, ask staff to review an item or ask that an item be placed on a future agenda. Ms. Barker stated that Mayor Stanton said she was right. She stated that we have the freedom to resolve problems. Ms. Barker stated that this region is a fast-growing area and citizens like to think they are part of the solution to end pollution. Ms. Barker reported that Phoenix Councilwoman Gallegos said that mothers in her district say their children have problems with asthma. She said that the City of Surprise was designated the number one area in the U.S. for growth. We need to look at where we are going with transportation. Ms. Barker stated that she attended the Maricopa County Board of Supervisors meeting and one of the agenda items was a \$1 million agreement between MAG and the County Air Quality Department to fund the Unified Planning Work Program and revise the scope of services. She said that staff said they would provide a copy of the agreement to her. Ms. Barker stated that she has been waiting for a review of the 1992 memorandum to cut particulates. She said particulates is Mr. Rusinek's problem because Phoenix does not have an ordinance. Vice Chair Banger thanked Ms. Barker.

Vice Chair Banger recognized public comment from Mr. Marvin Rochelle, who stated that as a Hebrew child, he took advantage of celebrating all of the Christian and Jewish holidays. Mr. Rochelle expressed his appreciation for MAG recognizing that next Wednesday is Yom Kippur, the Jewish holiest day of the year, and not having a meeting. He asked God to bless everyone. Vice Chair Banger thanked Mr. Rochelle.

4. Executive Director's Report

Mr. Dennis Smith, MAG Executive Director, reported on items of interest to the MAG region. He noted that construction on the Pecos Stack for the South Mountain Freeway has begun.

Mr. Smith stated that bipartisan Congressional support was received for extending the Border Crossing Card zone to the entire state of Arizona. Congressional letters of support for extending

the zone have been sent to the Office of Homeland Security. He added that the letter to a member of the Arizona Congressional Delegation appears to indicate that an electronic I-94 strategy is being pursued by Homeland Security. Mr. Smith stated that this issue might be put on hold due to elections and a potential new administration, but it could then reactivate.

Mr. Smith noted that federal regulations state that a written agreement must be established between Metropolitan Planning Organizations (MPO)s that extend into an adjacent Metropolitan Planning Area to identify areas of coordination and the division of transportation planning and air quality responsibilities between the parties. He said that the agreement, between MAG, the Arizona Department of Environmental Quality, the Arizona Department of Transportation, and the Sun Corridor MPO, was approved by the MAG Regional Council in August and was signed on September 8, 2016.

Mr. Smith stated that MAG staff member, Mr. Vladimir Livshits, is renowned for his knowledge of travel demand modeling. Mr. Livshits has worked around the world and MAG is lucky to have him. Mr. Smith stated that Mr. Livshits reached out on his own time on vacation in Israel, and met with MAG's counterpart, the Jerusalem Transport Master Plan Team. He noted that the Jerusalem Transport Master Plan Team works on projects similar to MAG, such as light rail and activity based travel demand forecasting models. While he was visiting, Mr. Livshits met with the Mayor and City Manager of Jerusalem.

Mr. Smith displayed a photograph of the MAG Regional Council after members approved a Resolution of Support for October as Domestic Violence Awareness Month. He pointed out that members wore purple in commemoration of domestic violence awareness month. Mr. Smith stated that events this month include the MAG press conference last week and jurisdictions lighting their buildings purple. He noted that a press release on lighting the buildings will be issued October 6, 2016. Mr. Smith stated that 21 cities and one county are participating and will be included in the press release. He said that any jurisdiction wanting to be added as participating in the event could contact MAG staff, Kelly Taft.

Vice Chair Banger thanked Mr. Smith for his report.

5. Approval of Consent Agenda

Vice Chair Banger stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G were on the Consent Agenda.

Vice Chair Banger recognized public comment from Mr. Rusinek, who commented on agenda item #5A. He said the minutes say that Ms. Rich made an appraisal on the property but he has not heard from her or anyone. The lot next door is more than 6,000 square feet and there are a state law and a county ordinance that say lots over 3,000 square feet must be dustproofed. Mr. Rusinek stated that he makes public comment because he wants to get things done right. He said that it took seven years to get his driveway done. He has not heard from the County at all. Vice Chair Banger thanked Mr. Rusinek.

Vice Chair Banger recognized public comment from Ms. Barker on agenda items #5A and #5G. She commented that she supports Mr. Rusinek, who has hearing loss as a result of his military service. Ms. Barker noted that she objected to Chair Zuercher's statement that Mr. Rusinek's issue was not a MAG issue. She said that Mr. Rusinek deserves to speak and he needs to be provided with equipment to be heard and understood. Ms. Barker said that cutting down on particulates is MAG's duty. She said that the City of Phoenix does not have an ordinance. Ms. Barker suggested that this be resolved in a way other than the microphone, perhaps by an ombudsman. She said she thought the minutes were accurate. Ms. Barker stated that people want good customer service. For agenda item #5G, she expressed her interest in innovation. She said that mobility of people and freight and fast commuter rail, bringing in private funding, are needed. Vice Chair Banger thanked Ms. Barker.

Vice Chair Banger asked members if they had questions or requests to hear a presentation on any of the Consent Agenda items.

Ms. Jeanne Blackman moved to recommend approval of Consent Agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G. Mr. Chris Brady seconded, and the vote on the motion passed unanimously.

5A. Approval of the September 14, 2016, Meeting Minutes

The MAG Management Committee, by consent, approved the September 14, 2016, meeting minutes.

5B. Report on Project Changes to FY 2016 Projects That Modify the FY 2017-2021 Transportation Improvement Program and 2035 Regional Transportation Plan

An amendment to the Fiscal Year (FY) 2017-2021 Transportation Improvement Program (TIP) and 2035 Regional Transportation Plan (RTP) was approved on August 31, 2016, by the MAG Regional Council. Due to the approach of the end of the federal fiscal year, the Regional Council also approved additional necessary project changes that are dependent on federal authorization of transportation projects for FY 2016. On September 1, 2016, MAG submitted two project changes, which are included in Table C. This item was on the September 29, 2016, Transportation Review Committee agenda for information.

5C. Project Changes - Amendment and Administrative Modification to the Fiscal Year 2017-2021 MAG Transportation Improvement Program, and, as Appropriate, to the 2035 Regional Transportation Plan

The MAG Management Committee, by consent, recommended approval of amendments and administrative modifications to the FY 2017-2021 MAG Transportation Improvement Program and, as appropriate, to the 2035 Regional Transportation Plan. The Fiscal Year (FY) 2017-2021 Transportation Improvement Program (TIP) was approved by the MAG Regional Council on June 22, 2016, with the last modification approved at the August 31, 2016, Regional Council meeting and subsequent changes submitted on September 1, 2016. Since then, additional changes and additions to projects in fiscal years 2017 and beyond of the FY 2017-2021 TIP have been

requested by member agencies. On September 29, 2016, the Transportation Review Committee recommended approval of the project changes.

5D. Project Initiation Pool

The Project Initiation Pool provides federal funding to MAG member agencies to pay the Arizona Department of Transportation (ADOT) fees to initiate the review of federally funded projects. It is open for a limited time, to all MAG member agencies with federally funded projects that are awarded through MAG and submitted to ADOT for federal authorization. The funding is available each year from October 1 through December 31. The amount of funding provided per project is \$2,829 with a \$171 matching requirement. This funding will be used by ADOT to assign project numbers and staff, conduct a kickoff meeting, begin the development of an intergovernmental agreement and any other review tasks needed to clear the project for federal authorization. This item was on the September 29, 2016, Transportation Review Committee agenda for information.

5E. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2017-2021 MAG Transportation Improvement Program and 2035 Regional Transportation Plan. The amendment and administrative modification involve several projects, including Arizona Department of Transportation and other miscellaneous projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination.

5F. FY 2016 Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Transportation Program Mobility Management Central Valley Recommendation for the Phoenix-Mesa Urbanized Area

The MAG Management Committee, by consent, recommended the approval of Gompers Habilitation Center for the FY 2016 Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Transportation Program Mobility Management position for the Central Valley in the Phoenix-Mesa Urbanized Area at the federal funding level of \$36,000. Every year, MAG coordinates the FTA Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities Transportation Program competitive process for the Phoenix-Mesa Urbanized Area (UZA). During the 2016 application cycle, a mobility management project was not submitted for the Central Valley. On June 22, 2016, the MAG Regional Council approved the availability of funding for a mobility management position for the Central Valley to ensure the continuation of regional support for human services transportation efforts, as federally required. On September 29, 2016, the MAG Elderly and Persons with Disabilities Transportation Ad Hoc Committee project recommended the selection of Gompers Habilitation Center.

5G. Consultant Selection for the MAG Regional Commuter Rail System Study Update

The MAG Management Committee, by consent, recommended approval of the selection of the firm AECOM to conduct an update to the 2010 MAG Commuter Rail System Study for an amount not to exceed \$150,000. The Fiscal Year (FY) 2017 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2016, includes \$150,000 for an update to the 2010 MAG Commuter Rail System Study. The scope of work and purpose of this 12-month study is to update the 2010 data and study governance options and indemnity/liability issues related to passenger rail implementation. A Request for Proposals was issued on July 20, 2016. Proposals were received prior to the August 5, 2016 closing date from two consultant teams led by the following firms: AECOM and WSP | Parsons Brinckerhoff. A multi-agency study panel consisting of MAG member agencies and MAG staff reviewed the proposals and recommended to MAG the selection of the team led by AECOM to perform the study on September 26, 2016. Upon approval of this recommendation, a contract will be developed and executed. It is anticipated that work on this project would begin in November 2016.

6. Regional Freeway and Highway Program - 2016 Rebalancing

Mr. Bob Hazlett, MAG staff, noted that a significant amount of materials had been transmitted on the 2016 Rebalancing of the Regional Freeway and Highway Program. Mr. Hazlett stated that the Transportation Policy Committee (TPC) discussed the Rebalancing on September 21, 2016. He indicated that his update to the Management Committee was an abbreviated version of the presentation to the TPC.

Mr. Hazlett first displayed a chart of how the Program's cash flow has improved. He indicated that in April 2016, the cash flow showed an approximate \$640 million surplus to the end of the Program. Currently, the surplus cash flow is approximately \$787 million to rebalance projects deferred in 2009 and 2012 back into the Program.

Mr. Hazlett displayed a map of funded Proposition 400 projects, which include projects on Grand Avenue, the Loop 303/I-10 interchange, and Loop 202/South Mountain Freeway that are under construction. Mr. Hazlett stated that the projects shown on the map in green were funded by Proposition 400 and include projects on Loop 303, I-10/I-17 (the Spine), Loop 101 and Loop 202. He noted that three interchange projects, one on I-10 and Fairway Drive, and two at I-17 at Happy Valley and Pinnacle Peak Road, were not shown on the slide.

Mr. Hazlett stated that one of the criteria requested by the TPC for the Rebalancing is project readiness and they developed a scenario scored on Project Readiness criteria. He pointed out the projects on a map. Mr. Hazlett said that the TPC requested looking at legacy projects. He displayed the scenario scored on Legacy Weighted criteria. Mr. Hazlett displayed a map of projects that scored higher with Project Readiness criteria or with Legacy Weighted criteria.

Mr. Hazlett described the deferred projects that could continue deferral in this Rebalancing effort. Changing needs and changes in the travel demand models are some of the reasons for this. Mr. Hazlett noted that staff had discussions with member agencies and he said that the Interstate 17 project at Loop 101 could continue to be deferred due to low travel demand. Mr. Hazlett stated

that major reconstruction of the Direct High Occupancy Vehicle ramp on Interstate 17 and Loop 101 would be very costly due to existing infrastructure. Mr. Hazlett stated that right-of-way protection grade separations on US-60/Grand Avenue, particularly from Loop 101 to downtown, are on the continuing deferral map, except for Indian School and 35th Avenue due to it being the highest crash location in the region. He pointed out the system interchanges due to low traffic demand, and construction of SR-30 and SR-24 as full freeways could remain on the continued deferral list.

Mr. Hazlett said MAG staff then looked at the remaining projects and developed a priority listing. It becomes a \$1.25 billion package and approximately \$800 million available for Rebalancing. He stated that this allows a couple of extra projects in case of unexpected project issues. Mr. Hazlett stated that in all, this amounts to a program of approximately \$5.1 billion Regional Freeway and Highway Program from now to the end of 2025.

Vice Chair Banger thanked Mr. Hazlett for his report. No questions were noted.

7. Ozone Boundary Designations

Ms. Lindy Bauer, MAG staff, updated members on the ozone boundary designations for the MAG region. She indicated when she last updated the Committee, at issue was whether to include in the ozone boundary the Queen Valley monitor in Pinal County and the Tonto National Monument monitor in Gila County.

Ms. Bauer stated that both monitors are at 0.071 parts per million, which is slightly over the 0.070 parts per million standard and there is an overall downward trend in ozone concentrations. She stated that the Queen Valley monitor began violating the standard on May 31, 2016. Until recently, the Tonto monitor was meeting the standard. However, it was discovered that the monitor had shut down on June 22, 2015, in the evening due to a pump failure. Since the monitor had six hours of data over the standard, it would count as an exceedance, causing a violation.

Ms. Bauer stated that the ozone season has now concluded and the ozone concentrations continue to decline. She said that the Regional Council took action to recommend that the Governor request that EPA delay the ozone boundary designation for up to one year in accordance with the Clean Air Act since the Queen Valley and Tonto National Monument monitors are at 0.071 parts per million, just slightly over the 0.070 parts per million standard, to allow the overall downward trend in ozone concentrations to continue, and to allow EPA to consider the most up-to-date, complete, and sufficient monitor data for the ozone boundary designation.

Ms. Bauer noted that the Pinal County Board of Supervisors passed a resolution at its September meeting requesting that the Governor ask the EPA to delay the ozone boundary designation for up to one year. She noted that the letter with Governor Ducey's recommendation was received at MAG on October 4. A copy was at each place. Ms. Bauer stated that the letter says that based on 2013-2015 data, Arizona designates portions of Maricopa, Pinal, and Gila Counties in one nonattainment area, along with three other suggested data-contingent alternatives. Ms. Bauer displayed the maps of the ozone standard boundary, Alternative A, Alternative B, and Alternative C. She noted that EPA is not finalizing the designation until 2017. Ms. Bauer stated that the

suggested Alternatives A, B, and C provide for a positive path forward in case the monitors do come into compliance in 2017 and then there would be no need to expand the boundary. She noted that the Governor's letter does not request that EPA delay the boundary designation one year. Ms. Bauer stated that the one year delay would provide more certainty that EPA would look at 2017 data before expanding the boundary.

Ms. Bauer noted that the EPA is scheduled to finalize the designations October 1, 2017. She said that throughout this process, MAG and Pinal County have worked together closely to provide a positive outcome to protect business, industry, and member agencies from more stringent requirements.

Mr. Dennis Smith requested that Ms. Bauer describe the information recently discovered by Mr. Matt Poppen, MAG staff, who did research and found how the State of Texas addressed this issue.

Ms. Bauer explained that the Alamo Area Council of Governments in San Antonio and the Capital Area Council of Governments in Austin passed a joint resolution requesting a one-year delay in the designation of its ozone boundary process. Ms. Bauer explained that EPA allows plus or minus seven percent in the readings at the monitor. They added the plus or minus seven percent onto the .070 standard parts per million and further recommended that no area be designated nonattainment if its reading was between .071 and .075 parts per million.

Vice Chair Banger thanked Ms. Bauer and asked if there were questions.

Mr. Greg Stanley asked if this goes through the EPA process do they also conduct a public comment process before announcing a final decision.

Ms. Bauer replied that EPA issues a 120-day letter to Arizona before finalizing the designation of the ozone boundary. She noted that ADEQ will be presenting that information in a public process. Ms. Bauer stated that the Governor can make further recommendations to EPA. She said that EPA would then publish its proposed designation and further comments can be submitted. After that, the designation would be finalized.

Vice Chair Banger noted that no action on this item was requested.

8. MAG Building Codes Committee Standard Plans Working Group

Mr. Scott Wilken, MAG staff, reported that many jurisdictions in the MAG region are experiencing extended review and inspection times due to homebuilders submitting an increased number of options for their single-family residential standard plans. He stated that at the September 21, 2016, meeting, the MAG Building Codes Committee voted to create a working group composed of member agency staff and homebuilders to study the issue and make a recommendation to the Building Codes Committee for a regionwide solution that will ease review and inspection times, while also allowing homebuilders to offer a wide variety of options on the homes they sell to their customers.

Mr. Wilken stated that the recommendation of the Building Codes Committee would be brought to the Management Committee for action on a regionwide standard and each jurisdiction could then adopt standards for their own building policy. He noted that a representative from the Homebuilders Association is a member of the Building Codes Committee and he has brought this issue before its board. Mr. Wilken stated that working group's goal will be to come up with a solution that is palatable to all.

Vice Chair Banger thanked Mr. Wilken for his report. He noted that no action was requested.

9. Legislative Update

No report.

10. Request for Future Agenda Items

Topics or issues of interest that the Management Committee would like to have considered for discussion at a future meeting were requested.

Mr. Roger Klingler asked if the Regional Freeway and Highway Program Rebalancing was anticipated to be on the November Management Committee agenda for action.

Mr. Dennis Smith stated that the date when action would be taken is yet to be determined. He added that it looks like consensus might be nearing on a scenario, but we are not sure what the TPC will decide.

11. Comments from the Committee

An opportunity was provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

No comments were noted.

Vice Chair Banger noted that the next Management Committee meeting is scheduled for November 9, 2016.

Adjournment

There being no further business, the meeting was adjourned at 12:45 p.m.

Chair

Secretary